

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 32**

INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION (PACIFIC CRANE
MAINTENANCE COMPANY, INC.),

and

INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE WORKERS, AFL-
CIO, DISTRICT LODGE 190, LOCAL LODGE 1546
AND DISTRICT LODGE 160

Case No. 32-CB-005932

**RESPONDENT ILWU'S OPPOSITION TO MOTION TO
STRIKE CROSS-EXCEPTIONS**

Respondent ILWU submits this opposition to the Charging Parties' motion to strike its cross-exceptions. ILWU filed cross-exceptions because the Charging Parties filed a motion for reconsideration of the Decision of the Executive Secretary denying the Charging Parties' and General Counsel's motions to strike its exceptions. Accordingly, if the Charging Parties' motion for reconsideration is granted and ILWU's exceptions are stricken, then ILWU's cross-exceptions will have been timely filed. Likewise, if the Charging Parties' motion for reconsideration is denied and ILWU's exceptions are not stricken, then ILWU's cross-exceptions will be duplicative of its exceptions and, therefore, may be stricken. The Charging Parties cannot have it both ways – they can either assert that ILWU has excepted to the ALJ decision or has not excepted to the ALJ decision – they cannot assert both. The gamesmanship of the Charging Parties does not change the fact that ILWU excepted to the ALJ decision, whether those exceptions are considered by the Board as exceptions or cross-exceptions. For these reasons, the Charging Parties' motion to strike the ILWU's cross-exceptions must be denied if the Charging Parties' motion for reconsideration of the Executive Secretary's decision denying the Charging Parties' and General Counsel's motions to strike the ILWU's exceptions is granted.

Dated: August 21, 2020

Respectfully submitted,

LEONARD CARDER LLP

By: s/Emily M. Maglio
Emily M. Maglio (SBN 267190)
Lindsay R. Nicholas (SBN 273063)
LEONARD CARDER LLP
1188 Franklin Street, Suite 201
San Francisco, CA 94109
emaglio@leonardcarder.com
lnicholas@leonardcarder.com

Attorneys for Respondent
INTERNATIONAL LONGSHORE
AND WAREHOUSE UNION

PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of 18 years old and not a party to the within action; my business address is 1188 Franklin Street, Suite 201, San Francisco, CA 94109. I hereby certify that on **August 21, 2020**, I caused the foregoing document(s):

RESPONDENT ILWU'S OPPOSITION TO MOTION TO STRIKE CROSS-EXCEPTIONS

to be filed electronically with the National Labor Relations Board, and a true and correct copy of the same was served on all interested parties in this action as follows:

Angela M. Hollowell-Fuentes
NATIONAL LABOR RELATIONS BOARD
Region 32
1301 Clay St., Suite 300N
Oakland, CA 94612
angela.hollowell-fuentes@nlrb.gov

Valerie Hardy-Mahoney
Regional Director
NATIONAL LABOR RELATIONS BOARD
Region 32
1301 Clay St., Suite 300N
Oakland, CA 94612
valerie.hardy-mahoney@nlrb.gov

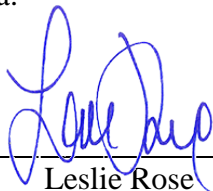
Paloma Loya
NATIONAL LABOR RELATIONS BOARD
Region 32
1301 Clay St., Suite 300N
Oakland, CA 94612
paloma.loya@nlrb.gov

David Rosenfeld
WEINBERG ROGER & ROSENFELD PC
1001 Marina Village Pkwy., Ste. 200
Alameda, CA 94501
drosenfeld@unioncounsel.net

- ☒ **BY E-MAIL:** I caused the documents to be sent to the person at the electronic notification address(es) listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under the penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **August 21, 2020**, at San Francisco, California.



Leslie Rose